

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

THORNTON GROUP TECHNOLOGY, LLC

PLAINTIFF

V.

CIVIL ACTION NO. 3:23-CV-433-SA-RP

ELITE MEDICAL LABORATORY SOLUTIONS, LLC

DEFENDANT

ORDER

On April 13, 2024, Thornton Group filed a Motion for Default Judgment [22] as to Elite Medical Laboratory Solutions, LLC d/b/a Diax Labs (“Diax”). Because Thornton Group requested an unspecified amount of damages, the Court held a hearing on December 17, 2024. At the hearing, Thornton Group did not provide evidence to support its request. The Court therefore held the matter in abeyance and advised Thornton to provide supplemental evidence to substantiate its request for damages.

On January 17, 2025, after being granted an extension to submit its documentation, Thornton Group submitted its Supplement [27]. In the Supplement [27], Thornton Group represents to the Court that “due to the backend test tracking portal being terminated by the Defendant, [] Plaintiff was unable to capture all patient information for submitted testis, but does submit a partial backend printout showing some submitted tests[.]” [27] at p. 2. Also attached to the filing is a chart that Thornton Group submits “identif[ies] the individuals form which test[s] were collected as well as the total amount that is due to Plaintiff under the original contract[.]” *Id.* at p. 1.

Notably absent from these filings is an affidavit or otherwise sworn proof. Thus, the Court has no way to verify the accuracy of or veracity of any of the information. The Court declines to enter judgment based upon the evidence presently before it. The Motion [22] is DENIED *without prejudice*. Thornton Group may refile a request for default judgment. In so doing, Thornton Group

should submit sworn proof to support its position and/or be prepared to provide sworn proof at a subsequent hearing.

Should Thornton Group fail to refile a renewed request for default judgment within twenty-one (21) days of today's date, the Court will dismiss the case for failure to prosecute.

SO ORDERED, this the 22nd day of January, 2025.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE